

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
666 FIFTH AVENUE, 31ST FLOOR
NEW YORK, NEW YORK 10103-3198
WWW.FULBRIGHT.COM

RECEIVED
CENTRAL FAX CENTER

DEC 17 2003

OFFICIAL

FACSIMILE TRANSMISSION

DATE: December 17, 2003

MATTER NUMBER: 10101429

RECIPIENT(S):	FAX NO.:	PHONE NO.:
✓ Special Program Examiner Julie Burke	1703 308-7553 872-9306	1703 308-7553
Examiner Marianne DiBrino USPTO - Art Unit 1644	1703 872-9306	1703 308-0061

FROM: Norman Hanson

USER ID: NH01030 **FLOOR:** 24

PHONE: (212) 318-3168

FAX: (212) 318-3400

RE: U.S. Serial No. 09/782,745 (LUD 5531.1 DIV)

NUMBER OF PAGES WITH COVER PAGE: 3

Message:

--

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
FANI MALIKOUZAKIS AT 212-318-3220 AS SOON AS POSSIBLE.

CERTIFICATE OF FAXING

LUD 5531.1 DIV(10101429)

I hereby certify that this correspondence is being facsimiled to Special Program Examiner Julie Burke whose fax number is 1703 308-7230 and to Examiner Marianne DiBrino whose fax number is 1703 872-9306 at the Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on December 17, 2003. By Fani Malikouzakis

Signature: Fani Malikouzakis

**RECEIVED
CENTRAL FAX CENTER**

DEC 17 2003

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Thierry Boon-Falleur, et al.
Serial No. : 09/782,745
Filed : February 13, 2001
For : ISOLATED NUCLEIC ACID MOLECULES WHICH
ENCODE GAGE GENES AND USES THEREOF
Group Art Unit : 1644
Examiner : Marianne DiBrino

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 17, 2003

**RESPONSE TO DECISION ON PETITION
AND TO ADVISORY ACTION**

Sir:

The Decision on Petition, dated December 5, 2003, gave applicants a two-month period to respond, i.e., request reconsideration. The Decision states:

"Absent a statement from applicant, which clearly sets forth that SEQ ID NOS: 14, 15, 16, 17, and 18 are not patentably distinct, one from another, these inventions will be considered patentably distinct."

In response, applicants now hereby state that SEQ ID NOS: 14, 15, 16, 17, and 18 are not patentably distinct. As such, SEQ ID NOS: 15, 16, 17, and 18 should be examined.

It is unclear which time frame applies for response. As noted, supra, the Decision on Petition set forth a 2-month period for response, so the due date would be February 5, 2004.

25367525.1

LUD 5531.1 DIV(10101429)

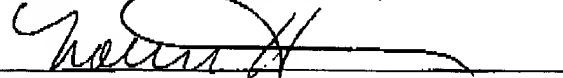
Applicants filed a Notice of Appeal on October 14, 2003, however, and the response would be due on December 15, 2003.

Should applicants require one, an extension of time is requested, be it one, two, or three months, and authorization is given to charge Deposit Account No. 500624 for the fees associated therewith.

It is presumed that SEQ ID NOS: 15, 16, 17, and 18 may now be examined.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.



Norman D. Hanson, Esq.
Registration No. 30,946

666 Fifth Avenue
New York, New York 10103-3198
Phone: 212-318-3168
Fax: 212-318-3400

25367525.1